

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ESTATE OF ERLINDA URSUА,)
LORENZO URSUА, individually)
and as Executor for the)
ESTATE OF ERLINDA URSUА,)
ROXANNE BAUTISTA and RHODORA)
URSUА,)
Plaintiff(s),)
v.)
ALAMEDA COUNTY MEDICAL)
CENTER, et al.,)
Defendant(s).)

ORDER RE: HEARING ON
DEFENDANTS' MOTIONS FOR
SUMMARY JUDGMENT

ALAMEDA COUNTY MEDICAL)
CENTER, et al.,)
Defendant(s).)

At the hearing on defendants' motions for summary judgment scheduled for October 26, 2005, at 10:00 a.m., **IT IS**

1. Plaintiff and Alameda County Medical Center should be prepared to discuss whether a failure to act can cause or contribute to the creation of a dangerous condition within the meaning of L.W. v. Grubbs, 92 F.3d 894, 900 (9th Cir. 1996).

2. Plaintiff and the County of Alameda should be prepared to address whether the design immunity defense requires that there be "substantial evidence" specifically regarding the location and design of Room B18/1319.

6 Parties may submit any further authority by letter brief citing
7 to specific cases by **October 25, 2005**, at **noon**.

8 | Dated: October 21, 2005

Bernard Zimmerman
United States Magistrate Judge

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